

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 21, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks are respectfully requested.

Claims 1, 3-6, 8-17, 19-20, 22, 24 and 26-29 remain in this application, where claims 21, 23, 25 have been canceled and claims 27-29 have been added by this amendment.

In the Final Office Action, claims 1, 3-6, 8-17 and 19-26 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,393,574 (Kashiwagi) in view of U.S. Patent No. 5,784,528 (Yamane), U.S. Patent No. 5,999,698 (Nakai) and U.S. Patent No. 6,118,924 (Nakatani). It is respectfully submitted that claims 1, 3-6, 8-17, 19-20, 22, 24 and 26-29 are patentable over Kashiwagi, Yamane, Nakai and Nakatani for at least the following reasons.

At the outset, it is noted that Kashiwagi has 74 figures and 76 columns of text, Yamane has 80 figures and 88 columns of text,

Nakai has 104 figures and 100 columns of text, and Nakatani has 42 figures and 42 columns of text thus qualifying all four of these patents as "complex". Therefore pursuant to 37 CFR 1.104, the Examiner must indicate how these references are being applied.

It is respectfully submitted that none of the cited portions of Kashiwagi, Yamane, Nakai and Nakatani, alone or in combination, disclose or suggest present invention as recited in independent claim 1, and similarly recited in independent claims 6 and 17 which, amongst other patentable elements, requires (illustrative emphasis provided) :

defining a free space title that represents free space that is available on the disc within the video object storage area and including the free space title in the title list and in the playable title,

creating two titles for the recording, the two titles including a full title and a play list title, and

tagging as free space both the full title and the play list title when a full title is deleted.

These features are nowhere taught or suggested in Kashiwagi, Yamane, Nakai, Nakatani and combinations thereof. Rather, at best, such combinations merely disclose two lists, namely, a title list, and a free space list.

Accordingly, it is respectfully submitted that independent claims 1, 6 and 17 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-5, 8-16, 18-20, 22, 24 and 26-29 should also be allowed based at least on their dependence from independent claims 1, 6 and 17.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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